

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
DAVID RENNIE,	:	
	:	
Plaintiff,	:	
	:	23-CV-4013 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
TOP VIEW/ GO NEW YORK TIMES TOURS	:	
/ SOUTH EAST PERSONNEL,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

This order addresses several motions made by the parties thus far. Plaintiff David Rennie (“Plaintiff”), proceeding pro se, has moved for a protective order, (Doc. 4), and a default judgment, (Doc. 5). Plaintiff’s motion for a protective order is based on allegations that “Defendant has mailed Plaintiff Amazon packages that were immediately refused, such as cosmetic products and a Wooden Assembly.” (Doc. 4 at 1.) In a separate filing he provides pictures suggesting that he has received mailings from Defendant’s counsel, though it is unclear if these mailings are the products he complains of—the picture he provides of an Amazon package does not include any apparent reference to Defendant, nor does Plaintiff provide alternative information tracing this package to Defendant. (Doc. 5-3.) He provides no legal authority for his request for a protective order.

While I am obliged to construe pro se filings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), to the degree that Defendant’s counsel is mailing legal communications to a plaintiff proceeding pro se, such mailings provide no ground for court action that I can identify from the materials Plaintiff has submitted. The other mailings complained of by Plaintiff

similarly provide no grounds for any court action. The motion for a protective order is therefore DENIED.

Plaintiff's motion for a default judgment is also DENIED. A party must obtain a default before seeking an entry of default judgment. *Meehan v. Snow*, 652 F.2d 274, 276 (2d Cir. 1981) (citing Fed. R. Civ. P. 55(a)). Plaintiff has not obtained a default, nor could he because Defendant has not failed to plead or otherwise defend the case. Fed. R. Civ. P. 55(a).

Defendant filed a motion to dismiss and consolidate cases at Doc. 13, which was then refiled at Doc. 16. Accordingly, the earlier motion will be terminated, and I will consider the papers submitted at Doc. 16 and any appropriate oppositions and replies.

The Clerk of Court is respectfully directed to close the motions at Docs. 4, 5, and 16, and to mail an copy

SO ORDERED.

Dated: August 28, 2023  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first letter "V" is large and prominent. The signature is positioned above a horizontal line.

VERNON S. BRODERICK  
United States District Judge